

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC. : Civil Action No.
vs. : 3:09CV620
LAWSON SOFTWARE, INC. : January 21, 2011

COMPLETE TRANSCRIPT OF THE JURY TRIAL

BEFORE THE HONORABLE ROBERT E. PAYNE

UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

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Official Court Reporter
United States District Court

1 MS. HUGHEY: I actually agreed with Your
2 Honor at that time that it didn't make sense.

3 THE COURT: I know that if you were wrong and
4 I was wrong, we ought to straighten it out.

5 MS. HUGHEY: Yes, that's right. I suppose
6 the point is, Your Honor, I don't believe that ePlus
7 is entitled to judgment as a matter of law on written
8 description or enablement because those aren't defense
9 that we even raised at trial; however, if it's Your
10 Honor's position that a defense that was at some point
11 in the case and not dropped before trial can then have
12 a judgment as a matter of law granted against it, then
13 the same should apply to Lawson and we're entitled to
14 judgment as a matter of law on all those other claims.

15 THE COURT: I think you're right about that.

16 MS. HUGHEY: Okay. To make that record
17 clear.

18 The second point, Ms. Albert raised the 112,
19 paragraph 6, and paragraph 2 on 101, issues of law.
20 The enablement issue of law and statutory subject
21 matter issue of law.

22 I agree with Ms. Albert. That's an issue for
23 the Court to decide. Lawson moved for summary
24 judgment on those pure issues of law.

25 THE COURT: And I denied it.

1 MS. HUGHEY: That summary judgment was
2 denied. It's my understanding that that issue is now
3 preserved for appeal and that Your Honor doesn't have
4 to rerule on it, but just to make the record clear,
5 Lawson again moves for judgment as a matter of law on
6 the 112, paragraph 6, and 101 claims.

7 THE COURT: How can you do that?

8 MS. HUGHEY: Your Honor --

9 THE COURT: You didn't try them.

10 MS. HUGHEY: We did not try them.

11 THE COURT: You relied for better or for
12 worse on the summary judgment decision.

13 MS. HUGHEY: Correct.

14 THE COURT: And your appeal point is that the
15 Court erred in failing to grant summary judgment.

16 MS. HUGHEY: Correct, Your Honor.

17 THE COURT: That's where the matter stays.
18 There's no judgment to be obtained on that at this
19 juncture, I don't think.

20 Now that was with respect to what issue?

21 MS. HUGHEY: 112, paragraph 2 and 6,
22 enablement issue, and the 101 statutory subject matter
23 issue.

24 THE COURT: You mean the patentability issue?

25 MS. HUGHEY: Correct, Your Honor.

1 THE COURT: All right. And those have
2 already been decided in the motion for summary
3 judgment, right?

4 MS. HUGHEY: Correct.

5 THE COURT: So I don't need to address those.

6 MS. HUGHEY: That's any understanding.

7 THE COURT: And then the 101 is the issue of
8 patentability, which is the subject matter or, i.e.,
9 the Bilski issue, and I erred as a matter of law in
10 failing to grant the summary judgment on that, right?

11 MS. HUGHEY: Correct.

12 THE COURT: And that's where it lies because
13 it never came into trial one way or the other?

14 MS. HUGHEY: Correct.

15 THE COURT: I don't need to deal with that
16 either.

17 MS. HUGHEY: Okay. And I think the issues
18 have been fully raised, but just for the record I
19 disagree with Ms. Albert. Dr. Shamos explained every
20 element.

21 THE COURT: You disagree with Ms. Albert on
22 general principles on everything she said.

23 MS. HUGHEY: Correct, Your Honor.

24 If you have any questions, I'm happy to
25 answer them.